

# Law Enforcement News

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## DoT death figures minimize impact of 65-mph limit

The U.S. Department of Transportation has encountered a hail of criticism from traffic safety advocates who say that the latest report of highway fatalities is suspiciously low in light of the 65-mile-per-hour speed limit on many Interstate roads.

According to Transportation Secretary John Burnley, there have not yet been any "discernible differences" in the level of traffic fatalities between rural Interstates where the speed limit has been raised to 65 and those where it has remained at 55.

Between January and September 1987, the Transportation Department reported, deaths on roads featuring the higher speed limit increased by 1 percent. However, in the 37 states where the speed limit was raised, the increase did not occur until after April.

The department's figures clashed with other statistics indicating a 23-percent increase in traffic fatalities after April.

"I think Burnley is just trying to make a political case for doing

what he wants to do," said Joan Claybrook, a former head of the National Highway Traffic Safety Administration who now runs the lobbying group Public Citizen.

At a recent speech to the Society of Automotive Engineers, Burnley said that the key to keeping traffic fatalities down is not lowering the speed limit but strictly enforcing the 65-m.p.h. law.

"A 65 limit that is not enforced can be more of a problem than a 65 limit that is enforced," he said.

Burnley said he was a "bazaar" when he drove at 55. "I was moving 20 miles an hour slower than traffic."

An official of the National Safety Council told a House committee in May that the higher speeds are causing greater harm on the road. "We have a very strong and clear indication from across the nation that average speeds have increased and more people are dying and sustaining more severe injuries on these roads," said Judith Stone, the NSC's Federal affairs director.

### Hell on wheels

#### State-by-state Interstate highway deaths, 1986-87

	RURAL			URBAN		
	1986	1987	% Chng.	1985	1987	% Chng.
Alabama	11	13	+18	6	1	-83
Arizona	45	87	+93	14	9	-36
Arkansas	16	18	+13	3	5	+67
California	97	125	+29	122	153	+25
Colorado	36	26	-28	22	16	-27
Florida	63	51	-19	33	38	+15
Idaho	15	19	+27	5	0	-100
Illinois	31	28	-10	45	47	+4
Indiana	22	24	+9	11	8	-27
Iowa	3	9	+200	3	2	-33
Kansas	9	12	+33	5	7	+40
Kentucky	12	14	+17	13	7	-46
Louisiana	18	44	+144	14	6	-57
Maine	6	6	0	3	3	0
Minnesota	6	4	-33	11	6	-45
Mississippi	17	27	+59	4	7	+75
Missouri	37	37	0	24	39	+63
Montana	21	15	-29	1	2	+100
Nebraska	7	8	+14	5	2	-60
Nevada	22	29	+32	6	5	-17
N. Hampshire	4	2	-50	5	2	-60
New Mexico	39	65	+67	15	10	-33
North Carolina	4	18	+350	3	3	0
North Dakota	3	4	+33	1	1	0
Ohio	9	15	+67	38	19	-50
Oklahoma	30	26	-13	18	11	-39
Oregon	0	0	—	0	0	—
South Carolina	9	17	+89	7	1	-86
South Dakota	2	10	+400	0	0	—
Tennessee	26	38	+46	30	22	-27
Texas	102	103	+1	156	103	-34
Utah	18	29	+61	6	5	-17
Vermont	0	4	—	0	0	—
Washington	18	11	-39	14	20	+43
West Virginia	10	6	-40	6	6	0
Wisconsin	2	10	+400	1	2	+100
Wyoming	22	23	+5	4	2	-50

Source: U.S. Department of Transportation

## The big-bucks nightmare

### Police agencies wake up to psychological testing as way of preventing liability from bad-risk cops

By Jennifer Nialow

A police officer who harms a civilian or a fellow officer because of a psychological problem that went undetected by his agency at the time of hiring could become a nightmare for both his department and his jurisdiction.

Civil liability suits, which can cost a community millions of dollars — in some cases bankrupting an entire town — are being filed and won by plaintiffs across the country on the grounds that police applicants are not adequately screened for psychological flaws — if they are screened at all — before they are appointed to the police department.

Experts say that psychological screening as a legal consideration and standard is a relatively new phenomenon that the law enforcement community is only now coming to terms with.

#### Liability hits hard

While many big-city departments, such as those in Los Angeles, Chicago and New York, have intensive psychological screening procedures in place, many smaller departments now run the risk of being hit much harder by vicarious liability lawsuits because they have not kept up with trends or have not taken the issue of psychological screening seriously enough.

Last July, the Town of Elgin,

**Smaller agencies risk being hit much harder by liability suits because they have not kept up with the trend.**

Ill., was ordered to pay \$1.5 million in damages to a plaintiff after a police officer abducted two residents from a local lover's lane in 1982 and killed them.

Herschel Glenn, 30, was hired as a police officer in 1979 even though a private consulting firm found him to be a "far below average candidate" based on a psychological assessment.

Damages were also recovered by plaintiffs in the 1980 New Jersey case of *Hill v. Bruner*, in which a civil rights action was upheld against the town and police officers for the physical and mental injuries suffered by the victim of an assault and battery by officers. The town's failure to conduct psychological screening was viewed by the court as gross negligence.

Nor are liability risks the exclusive province of small municipalities. In 1981, in a case generally viewed as a legal landmark, the City of New York was ordered to pay \$425,000 to the widow of a city police officer after her husband shot and seriously wounded her and then turned his gun on himself. The plaintiff charged that at the time of her husband's hiring, the New York City Police Department did not screen its candidates for psychological quirks. Officer Blaise Bonsignore would never have been allowed to carry a gun if such a procedure had been in place, his widow claimed.

#### You'd Better Evaluate

"I think the overriding issue here," said Dr. Mark Axelberd, a consulting psychologist to a number of police agencies in southern Florida, "is that police departments are being told over and over again, you give the man a badge and gun, you better have psychologically evaluated him."

According to Dr. Eric Ostrov, a lawyer and psychologist who serves as a consultant to the Chicago Police Department, there is a school of thought that says a municipality should not be held responsible for the actions of its agents or employees outside the

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#### Agencies seen as saturated:

## Child-abuse reports rise 2%

The nation's child abuse statistics last year rose by 2 percent, the smallest increase in 10 years, but a major child-welfare organization says the near-leveling off may in fact be due to financially strapped social services having reached a saturation point in their ability to take new reports.

An annual study released in April by the National Committee for the Prevention of Child Abuse found that reports of child abuse last year showed a smaller increase than they had since 1977-78, when abuse reports decreased by .24 percent. "We may in fact be reaching the maximum point with respect to reports of child abuse," said Deborah Doro, NCPA's director of research. "Although reports continue to go up, the amount of money spent on child welfare has not gone up proportionately."

The report said that only one

third of the substantiated child abuse and neglect cases across the country are receiving treatment.

The study, which makes its nationwide projections based on actual figures from officials in 42 states and the District of Columbia who answered a telephone survey, found that only 24 states reported increases in funding for child welfare services last year compared to 1986 levels. Twenty states reported no change in funding while seven showed declining budgets.

Of those states where funding had remained stable or had decreased, administrators reported such severe consequences as a four-year lack of in-service training for caseworkers and staff shortages that have interfered with the timeliness of investigations.

Funding constraints have also caused states to severely limit the

types of cases investigated. The criterion for taking on a case, said Doro, is usually whether or not the child is in immediate danger. Such limitations cut down both on the number of reported cases and the treatment for children who are victims of neglect.

In Washington, the NCPA report noted, one-third of all cases are screened before any investigation is conducted. The child-welfare system in Texas will not investigate or provide services to children who are "abandoned by caretakers solely in an attempt to secure medical treatment for mental illness or retardation" or who "live in substandard or poverty conditions but have not been harmed or are not at substantial risk of harm."

Many people believe the child-welfare system to be overburdened, Doro said, and thus "they may not get the response

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# Around the Nation

## Northeast

**CONNECTICUT** — State Police and officers from Yale University filled in for New Haven police May 7 after 50 city officers called in sick to protest stalled contract talks. The police officers' last contract expired in June 1987.

**MARYLAND** — Serious crime in Baltimore County rose by 8.4 percent during the first three months of this year compared to the same period in 1987, according to police statistics. Chief Cornelius J. Behan said the growing use of handguns was an issue "of major concern." The number of crimes involving a handgun increased by 46 percent during the first quarter of 1988, compared to the same period a year earlier.

**NEW YORK** — The state and union officials representing 2,400 state troopers have tentatively approved a new three-year contract that would provide 5-percent pay increases in 1989 and 1990 and a 5.5-percent raise in 1991.

Students at five New York City high schools will be searched with metal detectors next fall as part of an experimental effort to reduce violence and the presence of weapons in the schools. The Board of Education recorded 1,400 incidents involving weapons during the last school year, and an increasingly exotic array of weapons, including handguns, crossbows, knives, brass knuckles and martial arts weapons, were seized.

The New York City Patrolmen's Benevolent Association has reached tentative agreement with the city on a new three-year contract that provides six-percent annual raises and rewards officers who stay on the job for more than 20 years. Approval of the pact by the police rank and file is said to be a question mark.

**PENNSYLVANIA** — A Philadelphia grand jury has cleared everyone involved of criminal liability for the death and destruction that resulted from the city's 1985 confrontation with the radical group MOVE. Eleven people, including five children, were killed and 61 homes were destroyed in a fire on May 13, 1985, after police dropped a bomb on a Philadelphia house occupied by the radical group. The grand jury said it found no evidence of criminal intent, recklessness or negligence on the part of city officials, but the panel also sharply criticized the officials for their "morally reprehensible behavior," as well as "incompetence" and "cowardice."

**RHODE ISLAND** — Police Cmdr. Walter Clark was named chief of the Providence Police Department earlier this month, replacing Anthony Mancuso, who is leaving on June 6 to head a state drug enforcement strike force.

## Southeast

**FLORIDA** — James T. Moore, acting commissioner of the Florida Department of Law Enforcement, was nominated May 5 to head the agency permanently. Moore, a 14-year veteran of the department, has served as acting commissioner since the resignation of Robert Dempsey in March. He was chosen for the post by Gov. Bob Martinez over two other finalists, former St. Petersburg Police Chief Mack Vines and Steven A. Bertucelli, head of the Broward County Sheriff's organized crime unit.

**GEORGIA** — Donnie G. Walls, a co-defendant with Crisp County Sheriff E. Wyatt Forrest on drug and weapons charges, has pleaded guilty and agreed to testify against Forrest in exchange for the dismissal of some charges.

Ex-state trooper Will Daniels has sued the State Patrol, charging that he was verbally abused, denied promotion and ultimately fired because he is black. His lawsuit seeks reinstatement, back pay and unspecified damages.

The Atlanta City Council has outlawed the manufacture and sale of realistic-looking toy guns. The ordinance's chief sponsor, Councilman Bill Campbell, conceded that enforcement may be a problem.

**MISSISSIPPI** — Anita Krecic was sentenced to life in prison last month for her role in the slaying of state trooper David Bruce Ladner on April 10, 1987. The jury deliberated for 30 minutes after Krecic delivered a tear-filled plea for her life, in which she insisted, "I'm not guilty of this crime. I also know that this crime won't be forgotten in the lives of many." Krecic and a companion, Tracy Alan Hansen, were stopped by Ladner for speeding, and when the trooper searched the trunk of their car, Hansen drew a .38-caliber pistol from Krecic's handbag and shot the officer.

The State Legislature has given final approval last month to a compromise plan that would give sheriffs a 20-percent pay increase. Under the plan, sheriffs' salaries, which currently range from \$23,000 in the state's smallest county to \$36,000 in the state's largest, would increase to a range

of \$27,600 to \$43,200, based on county population.

**TENNESSEE** — A 16-county study in the eastern part of the state has found that 85 percent of youthful felons use drugs or alcohol or come from families of substance abusers. State Human Resources officials said juvenile substance-abuse treatment centers are needed to get teenagers out of the crime cycle.

## Midwest

**ILLINOIS** — Clifford Launius, the Des Plaines police officer who was suspended for abandoning his switchboard post to answer his wife's call for help during a severe flood last August, was fired on April 30. Launius, 31, an eight-year veteran of the police department, was fired by the board of fire and police commissioners just three days after the board found him guilty of eight violations of departmental regulations.

Stephen A. Rboards, police chief of East Hazel Crest, has been nominated to head the harried police department in nearby Calumet City. Rboards, 34, would replace John Sullivan, who is retiring. Sullivan became chief on Feb. 1 after James Shatoski retired amid controversy over the police response to the rape of a 12-year-old girl last Dec. 20. Rboards said his first order of business in the new department would be to conduct a management study to "find out what's working and what's not."

**MICHIGAN** — Twenty-five law enforcement agencies have joined forces to crack down on speeders along a 275-mile stretch of Interstate 94. Forty-five percent of drivers on that road are said to be exceeding the 65-mile-an-hour speed limit.

The Detroit Police Department has issued an order that officers who test positive for illegal drug use will be fired. The action came on the heels of revelations that 125 officers are under investigation for alleged use of crack.

**OHIO** — Police in Bowling Green have abandoned their six-shot revolvers in favor of 15-shot semi-automatic pistols. Chief Galen Ash said the move was made to enable police to keep pace with more heavily armed criminals.

Woodmere Village Police Chief Thomas L. McClure was fired by the mayor May 3, just three months before he was due to retire. McClure, who had been chief in Woodmere for 13 years, proclaimed his innocence of some of the charges that he said led to his dismissal, including inability to supervise, poor department morale, abuse of sick time, and

failing to investigate a potential felony.

**WEST VIRGINIA** — Parkersburg Police Chief has urged his officers to participate in a program to familiarize them with Alzheimer's disease. Said Gibson, "If an officer is not familiar with this type of illness, he may...believe the subject is intoxicated or is a mental patient."

The state sheriff's association has established two \$1,000 scholarships for college students pursuing degrees in criminal justice.

## Plains States

**KANSAS** — Gov. John Hayden has signed legislation enabling the state to parole an additional 200 inmates a year and put other convicts under electronically-supervised house arrest. The state's prisons currently hold about 5,800 inmates in facilities designed for 3,886.

**MINNESOTA** — State officials have blamed a sharp rise in traffic accidents and fatalities on the 65-mile-per-hour speed limit. Officials say there have been 22 percent more highway fatalities so far this year than during a comparable period in 1987.

**NORTH DAKOTA** — Ron Ehli, the Grant County sheriff, has said he will resign on June 1 over salary-related conflicts with the County Commission.

**ALASKA** — First-time convictions for bootlegging are now felonies carrying a five-year prison sentence and a \$50,000 fine, under legislation signed earlier this month. The law, which goes into effect in August, was needed to combat bootlegging in the state, according to supporters.

**NEVADA** — The Washoe County Sheriff's Department plans to use a \$173,000 Federal grant to set up a program to curb the flow of illegal drugs through the Reno Cannon International Airport.

**OREGON** — Under a new ordinance that Eugene police will begin enforcing on July 1, head shops must keep drug-related items in areas closed to juveniles and record the names of buyers. Shops must also obtain a yearly sales license for drug paraphernalia.

**WASHINGTON** — A Tacoma Deadly Force Review Board ruled earlier this month that Detective Sgt. Stan Mowre was too quick to use his gun when he fired three shots recently at a man believed to be a murder suspect. Mowre was ordered to undergo additional training.

**TEXAS** — Four police cruisers, two fire trucks and an ambulance were idled earlier this month in Nolanville after the town's liability coverage expired on May 10. Officials are seeking a new insurer.

The Houston Police Department's new Teleserve system, designed as a more efficient way of responding to low-priority calls for service, went on line on May 2. The Teleserve system diverts low-priority calls from the dispatcher to a special office for further handling and entry into the department's on-line offense-reporting system.

The state Pardons and Parole Board has reported that the average inmate in Texas prisons spends one year and seven months behind bars. Murderers serve an average of 4½ years. The parole-approval rate reached a record 80 percent last September.

**UTAH** — Construction has begun on the first phase of a 2,000-bed prison near Gunnison. More than 600 beds are due to be ready by 1990.

## Far West

**Southwest**

**COLORADO** — The State Senate has approved a bill to grant the Governor veto power over state parole board decisions. Governor Romer says he does not want the authority, noting that his responsibility rests in appointing members of the parole board.

**OKLAHOMA** — Carter County is building a \$3.1-million jail to meet state correctional standards, but officials are worried about finding the money to operate the new facility. Construction is being funded by a bond issue approved by voters in 1983, but Sheriff Robert Denney says he'll need \$1.3 million — nearly twice his 1987 budget — to run the jail.

**East Wenatchee** Police Chief Harold Kirby was sentenced to 240 hours of community service and a suspended 30-day jail term after he pleaded guilty to assaulting a teenage girl in 1987. The chief was also ordered to undergo counseling and pay a \$250 fine.

# Congress moves closer to 'plastic' gun ban

Law enforcement groups, the U.S. Justice Department and the National Rifle Association finally reached agreement late last month on legislation to regulate the sale and manufacture of so-called plastic handguns.

The Senate version of the legislation, sponsored by Senators Howard Metzenbaum (D.-Ohio) and Strom Thurmond (R.-S.C.), would require that all guns be detectable by X-ray machines and metal detectors.

The legislation would also toughen penalties for Federal crimes committed with a firearm or an explosive, including a mandatory 10-year prison sentence for anyone convicted of shooting a Federal officer.

Earlier proposed legislation would have set a minimum standard of 3.7 ounces of metal for all firearms. The bill was strongly opposed by the National Rifle Association, which contended

that such a measure would enable the Government to ban currently available firearms.

The Metzenbaum-Thurmond compromise legislation would require that a gun be "as detectable" as one containing 3.7 ounces of stainless steel. However, the gun may be made of any other metal or could contain even less metal as long as it would set off a metal detector set to detect 3.7 ounces of steel.

The NRA had previously supported a bill that would have banned undetectable plastic weapons but which set no minimum standard of metal content.

Critics had charged that the NRA-supported bill, proposed by Senator James A. McClure (R.-Ida.), would have forced the Government to come up with new equipment for detecting guns with just a trace of metal.

The all-plastic gun, of which none have yet been manufactured, has been the latest source of friction between the NRA and law enforcement and gun-control groups. Following announcement of the compromise legislation, both sides claimed victory.

"We're very pleased that we could reach an agreement with the [Reagan] Administration," said Darrel W. Stephena, executive director of the Police Executive Research Forum (PERF). "We didn't really reach an agreement with the NRA. They just signed on to the legislation after it was presented."

David Conover, a spokesman for the NRA, said his organization had opposed previous legislation on the plastic gun because it would have affected some 5 million small, metal guns currently in circulation. "The bill which is going to pass the House and the

Senate whenever they get around to it will ban no existing gun," he told Law Enforcement News.

Both the Senate and House bills, Conover added, provide for advances in technology.

The House bill, sponsored by Representative Bill Hughes (D.-N.J.), includes a sunset provision under which the legislation's criminal provisions would be repealed after five years, thus allowing the law to keep pace with new advances in firearms technology, such as the use of more non-metallic components. The sunset provision also directs the Secretary of the Treasury to report to Congress after two and four years with respect to the state of the art in firearms and detection technology.

The House bill, which was approved by a vote of 413-to-4, is similar to the Senate's in its ob-

jective and minimum metal standard. However, it also calls for a five-year ban on the manufacture, sale and possession of plastic firearms capable of avoiding detection.

The House bill also requires that firearm components generate X-ray images that accurately depict the shape of the parts. Hughes said this provision will allow technicians to identify the firearm and avoid the problem posed by the faint X-ray image most plastic items generate.

The Metzenbaum-Thurmond compromise package awaits approval on the Senate floor, where the two chief sponsors said they would work against any amendments in an effort to assure quick passage. "This is a compromise bill and we ought to keep it that way," said Metzenbaum.

Differences between the Senate and House versions will be ironed out in a conference committee.

## Solo patrol cars get judicial OK in Cleveland over objections of FOP

Lawyers representing members of the Cleveland Fraternal Order of Police failed last month in an attempt to halt the Police Department's implementation of a new one-officer patrol car policy.

Cuyahoga County Common Pleas Judge Burt Griffin told the FOP that it would have to take up its complaint with State Employees Relations Board. The group had hoped to stop the policy through a temporary restraining order while awaiting a

hearing before the state board.

The solo patrol car policy was set in motion in one police district on April 1, four months after it was approved by the Cleveland Police Patrolmen's Association during contract negotiations. The CPPA represents patrol officers, while the FOP represents supervisory personnel.

One-officer patrols will be expanded one district per month until the practice is citywide, which is expected to occur in October.

City officials say that the one-officer patrols will put more police vehicles on the road. "I am gratified that so far, the court has refused to block our attempts to update delivery of police service to the people of Cleveland," said Mayor George V. Voinovich.

"I remain convinced that the new special response car plan will significantly improve police response time, while we continue to work to protect the safety of all officers involved."

## Federal File



*A roundup of criminal justice developments at the Federal level.*

### ★ Federal Bureau of Investigation

Seventy-two law enforcement officers nationwide were killed feloniously in the line of duty during 1987, according to preliminary figures released April 30 by the FBI. Firearms were used in the slayings of 67 officers, including handguns in 50 cases, rifles in 8 and shotguns in 9. Three officers were killed with knives and the remaining two were intentionally struck with vehicles. Twenty-six of the slain officers died while attempting to apprehend suspects, including six in drug-related situations, five while responding to burglaries, and three attempting to prevent a robbery or while pursuing robbery suspects. Twenty-two were killed while answering disturbance calls, and 10 while enforcing traffic laws. The Southern states recorded the highest police officer death toll, with 28 officers slain. Seventeen officers were killed in Midwestern states, 15 in Western states, 11 in Northeastern states and 1 in Puerto Rico. City police accounted for 42 of the victims, while 17 were county officers, 12 were state agents, and 1 was a Federal officer.

### ★ Bureau of Justice Statistics

A record high number of state and Federal prisoners was set for the 13th consecutive year in 1987, according to the Bureau of Justice

Statistics, which said that there were 581,609 such prisoners as of the end of last year. The inmate population grew by 6.7 percent last year compared to 1986, BJS said, for an increase of 36,476. Since 1980, the overall prisoner population has grown by more than 250,000. Federal prisons were said to be operating with populations ranging from 37 to 73 percent in excess of capacity. As a group, state prisons were estimated to be operating between 5 and 20 percent over capacity.

### ★ Department of Justice

Attorney General Edwin Meese 3d, saying the United States must adopt a posture of "zero tolerance of drugs in any place, any time," last month called for virtually all workers in the country to be tested by their employers for the presence of illegal drugs, and for mandatory drug testing of all those arrested for any crime. Meese, addressing a meeting of the U.S. Conference of Mayors April 26, said that drug testing was "an absolute necessity" if workers are to be deterred from drug use for fear of losing their jobs. In the case of arrested persons, Meese said, drug testing would be part of a "user accountability strategy" currently being developed by the National Drug Policy Board, which the Attorney General heads. Under Meese's plan, an arrestee who tests positive for drugs could be denied bail in the case against him or be forced to undergo drug treatment.

## Drug use in ranks worrying Detroit PD

The Detroit Police Department will conduct an in-depth study of drug abuse within its ranks, the city's Board of Police Commissioners announced last month, and it is believed by some board members that the study may lead to increased drug testing of officers.

News of the drug-abuse study was released on the same day that five rookie officers were suspended for failing drug screening exams. Three had tested positive for cocaine, while the others showed traces of marijuana.

Mayor Coleman A. Young, an outspoken advocate of drug testing, urged the Board of Police Commissioners to look into the Police Department's guidelines and policies. The study is also supported by Police Chief William L. Hart, although he only became aware of the proposed study one day before the public announcement.

According to Commissioner Arthur Johnson, the "primary object is to get this department in a position where drug use is not a burden." Johnson, who predicted an increase in drug testing, said, "I don't think it's fair to say we are alarmed, but we are realists."

The failure of the rookies to pass their urinalysis tests was not the first indication that drug use is a phenomenon within the department. On April 20, Paul Dunbar, a two-year veteran, was shot outside of a crack den while he was off duty. In March, five narcotics officers were transferred to other assignments after they failed drug tests.

Dunbar was said to be under investigation for three drug-related robberies. Investigators had delayed arresting him in hopes that he would lead them to another officer believed to be involved in the scheme. So far,

however, police have been unable to find Dunbar's partner in crime.

No details about how the study will be conducted have yet been released by the police board. But the board's chairman, Harold L. Shapiro, said the problem of drug abuse within the department is "top priority." Whatever measures can be taken through internal means, he said, will be taken.

The five rookies who failed their drug tests — William Allen, Darryl Brynaert, William Dumas, Percy Hart and Wallace Wilkes — were suspended without pay and will ultimately be dismissed, said Chief Hart. "They're finished," he said. "We intend to get rid of them ourselves."

Hart said he did not know whether to view the number of officers suspended — 5 out of 500 rookies — as unusually large. It is a "sign of the times," he said, adding that the department would be naive to think it could remain unaffected by a problem that has touched virtually every department in the country.

Currently, the Detroit Police Department conducts drug screenings when an individual enters the force, after one year of service, upon promotion, or in situations where there is probable cause.

Until recently, officers in sensitive assignments such as narcotics were subject to random testing, but the practice was discontinued by the department due to legal worries.

The department's drug testing policies have been challenged by two city police unions, the Detroit Police Officers Association and the Lieutenants and Sergeants Association. The DPOA said it would approve broader testing measures only if the avenues of appeal for those who test positive are expanded as well.

# People and Places

## Change of pace

After 20 years on the job, New York City Police Officer George Mrsich is going to take it easy after he retires — that is, if you consider teaching elementary school a piece of cake.

Mrsich started seriously weighing his post-retirement career options in 1978 when, after talking with a fellow cop who was retiring, he realized he had no college degree or marketable trade skills of his own. "I didn't want to be a security guard," Mrsich said.

That year, he started taking college business courses, sampling several different schools. A college scholarship from the police department in 1983 helped finance his studies at Pace University in Westchester, where he switched his focus to elementary education. On May 19, he will receive a bachelor of arts degree *summa cum laude* from Pace.

For the past four months, the 42-year-old police officer has served as a student teacher for third- and fifth-grade classes at West Haverstraw Elementary School in Rockland County. Each weekday from 8:30 A.M. till half past noon he has polished his pedagogical craft, then hopped into his car for the drive down to the 46th Precinct in the Bronx.

"I always loved working with young children," said Mrsich. "I really enjoy their innocence, enthusiasm and fresh viewpoints."

Mrsich's principal at the elementary school, Thomas Manning, said it is helpful to the students to have career changers like Mrsich in teaching positions. Such individuals, Manning said, "offer a wealth of experience in areas ranging from discipline to creative lesson planning."

Many people are nervous the first time they stand in front of a classroom, but not Mrsich.

"I wasn't nervous about managing a classroom," he said. "Nervous is walking down a dark alley at three in the morning with someone pointing a gun to your head and two vicious dogs waiting to tear you apart. You're so scared that you can hear your heart beating three blocks away. Compared to this, controlling an elementary school class is no problem."

During his career with the NYPD, Mrsich served for five years with the department's elite Special Events Squad, which was responsible for controlling



## Class cop

New York City Police Officer George Mrsich, in civvies except for his cap, conducts an elementary school class at West Haverstraw Elementary School as part of his student-teacher training. Teaching will soon become Mrsich's full-time vocation. (See story at left.)

crowds at mass demonstrations. In this role, Mrsich encountered such dignitaries as the Apollo VIII astronauts, Terence Cardinal Cooke and former President Richard M. Nixon.

ments that day were videotaped and listened to through an electronic bugging system operated by police officers in backup vans.

Assistant Police Chief John Roaa said he was "relieved when it was over," even though undercover officers were nearby at all times to protect the Mayor. "These people can be very dangerous," said Ross. "We've had a number of shootings and stabbings in these areas."

This is not the first undercover venture for Boner, a former Congressman who was elected Mayor last fall. In 1984, he went unshaven for a week and spent two days and nights among the homeless eating at the Union Rescue Mission and sleeping in a parking lot.

He said that his latest experience, however, has brought him to "a higher level of understanding" of the drug culture and "how we can combat the problem of street sales to people who buy drugs like families driving up for hamburgers at a drive-in restaurant."

Boner, wearing a professionally-crafted disguise that included a fake beard and dark glasses, rode around Nashville's public housing areas for three hours in the company of two police informants who showed him where to buy drugs.

"I was amazed to see it's so easily accessible," Boner told the Associated Press. "It's so massive. I didn't realize there was such a demand for it."

During the course of the afternoon, Boner was able to purchase one and a half Dilaudid pills, a prescription narcotic, for \$55, and a small amount of cocaine for \$40. Boner's transactions and move-

ments of Westmont Junior High School, said Musil's program, which includes three days of slides, group discussions and movies, goes beyond similar programs because of the "personal touch" the officer brings to it.

Musil spends several days at the school, which Becker says allows "kids [to] talk to him and get to know him."

Musil's educational approach to his subject is intended to teach kids enough about drugs and their effects on the body so that they can make wiser decisions about drugs and alcohol use.

Children have to be educated about drugs while they are still young, said Musil, who was DuPage County's youth officer of the year in 1983 and 1985. "Once they hit high school age," he said, "the peer pressure is already there."

to cardio-pulmonary resuscitation administered by Parker, who was aided by a registered nurse who had arrived on the scene. "Mr. Pumo would surely have died had it not been for the quick and professional actions of Trooper Parker," said a departmental statement.

Said Bobby R. Burkett, director of the Highway Patrol: "To recognize a trooper who excels in a particular area of his or her duties is rewarding; however, rarely does a supervisor have the opportunity to recognize an employee who has gone 'beyond' in saving the life of a human being."

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## What They Are Saying

"Police departments are being told over and over, you give the man a badge and gun, you better have psychologically evaluated him."

Dr. Mark Axelberd, consulting psychologist, on the liability risks posed by failing to conduct proper psychological screenings of applicants. (1:5)

## Globe trotter

Having already wrestled successfully with the drug problem in his corner of the world, Det. Richard Musil of the Westmont, Ill., Police Department will be traveling to Norway in July to describe his highly successful drug-fighting program at the 35th International Congress on Alcoholism and Drug Dependence.

Musil, an 11-year police veteran, is an expert in teaching teenagers to stay away from drugs. Keith A. Becker, the prin-

Thanks to quick thinking on the part of Florida Highway Patrol Trooper Anthony L. Parker, John M. Pumo is still alive after a rollover accident pinned him beneath his truck. And, thanks to the Florida Petroleum Council, Parker was recently named Trooper of the Year for 1987.

Parker, a veteran of just one year with the Florida Highway Patrol, was dispatched to investigate the accident that occurred last Aug. 27. Summoning help from bystanders, Parker and the others were able to push Pumo's vehicle onto its side and free its occupant.

By the time Pumo was freed, however, he had gone into respiratory arrest. He responded

# Glimmer of hope among alternatives to prison

At all levels of government, authorities are trying to cope with overcrowding of jails and prisons by such expedients as early



**Burden's Beat**  
Ordway P. Burden

release and the use of electronic devices to monitor people who are serving sentences in their own homes. One of the more promising of the diversion programs is Alternatives to Incarceration (ATI) in New York City.

ATI is operated by the Court Employment Project, a nonprofit corporation that takes some New York offenders who would normally face jail terms of at least 90 days and puts them through about six months of supervised counseling, tutoring and job training and then gives them job opportunities. The aim is to divert them from the prison stream, encourage them to change destructive lifestyles and make them employable.

Last year 330 felons, most of them 16-to-25-year-olds convicted of robbery and burglary, were accepted into the ATI program with the consent of the courts. Several hundred others who were on parole or probation were also served. They were offered study programs leading to high school equivalency diplomas, work-study programs, and job training. Some worked full time at minimum wages in the Court Employment Project's own contracting business, which renovates city-owned housing in New York.

Besides diverting several hundred defendants from prison, the Alternatives to Incarceration program saved the city and state an estimated \$1.2 million in prison costs — all for an expenditure of \$250,000 on ATI. The Court Employment Project receives funding from the city, state and private foundations to operate ATI.

The program's chief problem is a dearth of entry-level jobs to which ATI's graduates can be

referred. So, in an unusual twist, the Court Employment Project's director, Maximo Blake, has enlisted the aid of convicted white-collar criminals, many of whom still have good connections in industry, to locate job opportunities for ATI's clients.

The ATI approach appears to work, according to a study published in December. The New York City Criminal Justice Agency evaluated the effects of ATI on 172 young felons who were in the program during 1983 and 1984, and found that they had lower recidivism rates than a control group of similar felons who spent time in jail or prison. But the differences were not spectacular. Nearly half of the ATI group (49.6 percent), including many who did not complete their six months in the program, were rearrested within a year. By comparison, 57.9 percent of the control group were rearrested within a year of leaving jail. Furthermore, the ATI participants had a higher recidivism rate than a second control group made up of offenders who were granted probation but were not in ATI.

Still, the evaluation was significant, according to Ed Brown of the state's probation division, "because it shows the Court Employment Project intervention resulted in a substantially lower rate of recidivism among those who successfully completed the program, as compared to similar offenders who went to prison." The study report's conclusion was less sweeping, although encouraging. It noted that the ATI program gave training and employment to many offenders and "also appeared to have a modest impact on the recidivism rates of clients within the first year after entering the program." In fact, the report added, those who successfully completed ATI did not seem to be at greater risk of rearrest than the control group who were given probation without ATI intervention. The study was funded by the Mayor's Office of the Criminal Justice Coordinator, the New York State Division of Probation and Correctional Alternatives, the Albert Kunstader Family

Foundation, and the Florence V. Burden Foundation.

The Court Employment Project was founded in 1967 with the goal of rehabilitating criminal offenders, primarily by making them employable. For its first nine years, it focused on defendants facing misdemeanor and minor felony charges and implemented the nation's first pre-trial diversion program. In 1979, the Alternatives to Incarceration program began, shifting the focus

to offenders with more serious charges against them. An Alternatives to Detention was added in 1985 for defendants who were likely to spend a long time in pre-trial detention. And, if funding can be obtained, the Court Employment Project will soon add another program targeting the growing number of defendants charged with drug offenses.

The Court Employment Project's efforts are clearly no panacea for the nation's prison

crisis, but they do offer a ray of hope that some offenders can be turned around and made into useful citizens.

*Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood P.O., NJ 07675.*

## 'Yuppies' seen ascending to leadership of organized crime as old ways fade out

Experts on organized crime believe that by the year 2000, top mobsters will be carrying not machine guns but Filofaxes.

Ronald Goldstock, director of the New York State Organized Crime Task Force, told a Senate committee last month that organized crime is increasingly being led by "mob yuppies" who believe that cost-benefit analyses mean more than the traditional codes of honor and silence.

The mob is changing so much, he said, that it is "likely to be rendered totally unrecognizable" by the end of the century.

According to witnesses testifying at five scheduled hearings of the Senate Permanent Subcommittee on Investigations, the old-style Sicilian Mafia family, with its traditions of respect for elders, division of territories and "sit downs" to produce agreements

among mob bosses, is dying both in this country and in Italy.

James R. Zazzali, a member of the New Jersey State Commission of Investigation, said that of 29 organized crime groups operating in New Jersey, only seven are "Mafia gangs."

The new groups, he said, are a "deadly mixture" of organized Colombians, Cubans, Jamaicans, American blacks, Asians, Russians and motorcycle gangs.

"The problem of newly emerging groups in five to 10 years may be the major problem in organized crime," said Zazzali.

Currently, said Goldstock, the Colombian drug cartels are a "much greater problem" than the traditional La Cosa Nostra. While the new groups have working relationships with the older families, witnesses said, they are not part of them.

In addition to changes in mob structure, there have also been revisions in the methods used by law enforcement and prosecutors to fight organized crime, according to Goldstock.

Before the enactment of the Racketeer Influenced and Corrupt Organizations Act (RICO) in 1970, one convicted mob leader was simply replaced by another. The RICO statutes, however, made it possible to indict and convict whole upper echelons of mob families.

And, as the leadership of organized crime has become more inexperienced and unstable, disputes between families have grown in number and seriousness.

Another factor that is said to have helped investigators has been the breakdown of the omerita, or the code of silence.

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## Supreme Court to rule on FOI suit seeking access to FBI criminal files

The United States Supreme Court has agreed to decide whether the Federal Bureau of Investigation's compilations of criminal records that are kept by state and local law enforcement agencies must be released to those seeking them under the Freedom of Information Act.

The FBI maintains records on more than 20 million Americans, with information about arrests and convictions supplied by Federal, state and local law enforcement agencies. The Department of Justice is challenging a ruling by the U.S. Court of Ap-

peals that these FBI files must generally be released if the state and local records themselves are available to the public.

In the Supreme Court appeal, which will be titled *Department of Justice v. Reporter's Committee for Freedom of the Press*, (No. 87-1379), the Government is expected to argue that it should be able to consider whether the privacy interests of particular individuals outweigh any public interest in disclosing their rap sheets.

— Jonah Triebwasser  
Supreme Court Correspondent

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Dirty laundry:

**Money-laundering focus urged**

Law enforcement can and should do more to prevent drug dealers and other criminals from laundering illegal profits by investing them in legitimate businesses, according to a study released recently by the Police Executive Research Forum.

The study, which was funded by the National Institute of Justice, describes a number of strategies for pursuing illegal conversions, including generating evidence for prosecution and strengthening state laws. It also lists available resources to help local agencies investigate such operations.

"Money laundering is the crucial link between the illegal money and the acquisition of assets," said Clifford L. Karchmer, PERF's associate director and the author of the report.

"Law enforcement agencies that want to do more with their asset forfeiture laws really need to start at the beginning of the laundering process and look at how illegal money makes its way into legitimate businesses," he told Law Enforcement News.

Karchmer said the Federal government has traditionally taken the lead in fighting money laundering, due to the international scale of some offenders' activities and the tendency of state and local agencies to focus on problems in their own jurisdictions.

Only two states, California and Arizona, have laws that specifically bar asset conversion. However, most states have laws under which a money launderer could be prosecuted. Karchmer pointed out that in Florida, for ex-

ample, where there is a strong asset forfeiture program in place, copies of all currency transactions are required by law, which forces would-be money launderers to leave a "paper trail."

Sophisticated offenders, said the study, often use accountants, lawyers, stockbrokers and investment advisers to help them channel their criminally-derived profits into various safe financial havens. "They perform an essential function for virtually all criminals who demand ready access to their ill-gotten wealth," said the report.

The report is available for \$15.00 from the Police Executive Research Forum, 2300 M Street N.W., Suite 910 Washington, DC 20037.

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# Weeding out bad risks seen as essential

Continued from Page 1

realm of their official duties.

Ostrov added, however, that the U.S. Supreme Court has held "that if a city does not exercise the judgment or procedures that are ordinarily exercised to prevent such an occurrence, they will be held liable."

The use of psychological screening procedures as a legal standard by which to judge the actions of a police agency is comparable to the growing use of nationally-accepted accreditation standards for the same purpose, said Robert Hicks, a criminal justice analyst for the Virginia Department of Criminal Justice Services.

#### Raising the Standards

In the next few years, Hicks told Law Enforcement News, more courts will judge police agencies on the basis of the standards developed and promulgated by the Commission on Accreditation for Law Enforcement Agencies. "It's an example of something which permeates everywhere," he said. "People feel that if I have an accredited agency to the north and one to the south, then it is going to be asked why I'm not. It's exactly the same problem" with psychological screening.

"It's not just because a city does X or Y that it is held liable," Ostrov told LEN, "but in the context that all these other cities are doing it and this city did not. You can infer, then, that had the city done A, B and C, it wouldn't have occurred. The irony of it is that as more cities [use psychological screening], the more those who don't do it are liable in contrast."

Experts agree that it is difficult, if not impossible, for a candidate rejected on the basis of a psychological assessment to win a legal challenge that would allow him to join the force.

Before a challenge can even be pursued, the candidate must first go through either an administrative appeals process, if the jurisdiction has one, or through a state or Federal equal opportunity or human rights commission.

"Most departments, when they do reject candidates based solely on the psychological, allow those candidates to appeal and they go through Civil Service procedures that usually involve another evaluation and outside consultant," said Dr. Robin Inwald, designer of the widely used psychological test known as the Inwald Personality Inventory.

#### Lawuits Are Expensive

"Once they go through that, they very rarely sue," she told LEN. "It is a very expensive, time-consuming thing, and if they don't win on appeal, they are not going to win in court. People don't realize that if they don't win an appeal, it means that their case is very shaky."

The psychological data could so strongly indicate a lack of fitness for the job, said Inwald, that it would be apparent even to a lay-person.

"A court will usually show deference to a lower level administrative judgment," noted Ostrov. "Otherwise they'll be tied up forever."

The Chicago Police Department does not have an administrative appeals policy, Ostrov said. Candidates are given a battery of personality inventory tests that are interpreted before the oral interview, which each applicant must undergo with the department's consulting psychologist.

If the test scores indicate

Departments, the non-grievance oriented system used by the police is superior to the appeals process the county has established.

If a candidate fails a psychological test for a county job, said Mantell, he can obtain a second opinion. If the second psychologist disagrees with Mantell's assessment, the county will pay for a third opinion as a tiebreaker.

"It's cumbersome, it makes a circus of the psychological testing, and it sets up the

commissioners and oversee the personnel department," he told LEN.

"It's a much more open appeals process and that probably accounts for the 5 percent," said Kay.

#### Little Legal Recourse

Beyond certain low-level administrative appeals, there is very little a candidate can do to reverse his rejection, experts say. According to Dr. Axelberd, there are more than enough legal precedents that not only allow psychological screening as part of the selection process but strongly recommend it.

"If the department has a legal requirement to have the applicant undergo a psychological evaluation and the psychologist gives what is considered a reasonable interpretation of the results, then the person cannot just sue because he didn't like the results," Axelberd told LEN.

Any such challenge, he said, would have to show that the psychologist was negligent or guilty of malpractice. "It is hard to sue because the psychologist did not find you a suitable candidate," said Axelberd.

He also said that it should be difficult to appeal a rejection based on psychological grounds.

"Police are the only ones allowed to use a gun arbitrarily on their own to take a life," said Axelberd. "Police are the only ones sanctioned by our society to take away someone's freedom through arrest. The public has a right to be certain that that per-

son meets certain minimal qualifications."

#### Adverse Racial Impact

Broad-scale discrimination against law enforcement candidates has always been a problem, as jurisdictions who have had promotional exams challenged in court can readily attest. Likewise, broad discrimination based on psychological screenings could be problematic for departments that do not support their exclusion of certain groups with documentation and psychological data.

According to experts, it would "surpass the imagination" for all racial and ethnic groups and genders to achieve the same scores on standardized psychological tests.

"The issue is not whether the scores are different but whether those scores are meaningful," said Axelberd.

That question, added Ostrov, can only be answered through research. "Is the difference in scores at a group level a function of something that is relevant to the job," he asked, "or is it a function of something that is irrelevant?"

#### Racial Differences

Ostrov suggested that one of the reasons blacks score higher on some scales of the Minnesota Multiphasic Personality Inventory is because of linguistic interpretation. "He's hearing the words of that question in a different way," said Ostrov. "It has

Continued on Page 13

## "The irony of it is that as more cities [use psychological screening], the more those who don't are liable in contrast."

psychological problems or personality disorders which are then confirmed by a psychologist's assessment, the candidate is rejected. However, if the psychologist deems the candidate fit despite troublesome test scores, the scores may be disregarded and the person can then be hired.

#### Basis for Challenge

Ostrov said that in the event a candidate decides to challenge a rejection, the first step is choosing the grounds on which to base the challenge.

"It is not self-evident that you can challenge such a determination," he said. "Since you are applying for the job, you are not vested the way you would be if you were a civil servant."

Ostrov said that unless the candidate is a member of a protected class, it would be hard to claim discrimination — one of the few viable legal challenges to a department's decision.

Anyone, however, can assert discrimination and file a claim with either the state or Federal Equal Opportunity Commission. At this point, the Illinois Human Rights Commission will try to negotiate an agreement with the employer and prospective employee.

"If the person went to Federal court and claimed his career was ruined" by the psychologist's assessment, said Ostrov, he could claim defamation of character and pursue a number of different legal avenues such as denial of due process. "You could sort of define the opportunity to obtain a job as a property right and then say you were deprived of this property right in a random or capricious way," he said.

But that, said Ostrov, would be an extremely difficult argument to push successfully. "A prospective employer can use a lot of reasons for not hiring," he said.

#### Seeking for Grievance

According to Dr. Michael Mantell, a consultant for the San Diego Police and Sheriff's

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Boyd:

## The trouble with the NRA is leadership

By Richard A. Boyd

Does any individual, any organization or any law enforcement agency dare to have a view opposite that of the National Rifle Association concerning the legislation or enforcement of firearms laws? The answer is yes, although for some the cost is personal ridicule or organizational undermining.

In an attempt to divert attention away from the strides law enforcement has made to bring some sanity back to the gun laws, the NRA has taken to aggressively attacking individual law enforcement

leaders. In its zeal to protect what it believes to be absolute Second Amendment rights, the NRA has trampled on the First Amendment rights of those who disagree with it. These intentional attacks on some of us are developed and planned within the inner-sanctum offices at NRA headquarters.

Over the past five years, the relationship between the NRA and our nation's law enforcement officers has changed dramatically. What was once a mutually beneficial relationship has become adversarial and, in the case of some who dare to

disagree, openly hostile. The NRA leaders have attempted to treat law enforcement leaders as if they were legislators — to be manipulated with money or threatened with voter wrath. The NRA has attempted to recruit police department members to discredit their department leaders who disagree with NRA positions. It has attempted to deny law enforcement professionals advancement in their field by conducting character-maligning campaigns. Minneapolis Police Chief Tony Bouza, Chief Keith Bergstrom of Tarpon Springs, Fla., and this writer have all come under attack by the NRA's state and local affairs director, Dewey Stokes, the national president of the Fraternal Order of Police, has come under attack for his views by the NRA's field representative for Pennsylvania. And through it all, the NRA claims to be a friend of law enforcement.

When it became apparent that the NRA did not represent the best interests

of enforcement groups mobilized in opposition. As the president of the Fraternal Order of Police at that time, I was in Washington to lobby on positions as directed by my membership. Contrary to NRA assertions, those of us on Capitol Hill were not acting as individuals; we were there at the behest of our members. Yet many of us came under personal attack by NRA lobbyists on these matters of public safety. Many of our statements were grossly distorted and we found ourselves at loggerheads with an organization that continues to maintain that it had law enforcement's best interests at heart.

After the McClure/Volkmer fight, the NRA made some drastic changes in its personnel. However, the rift between the organization and law enforcement not only remains, but is widening. Today, the NRA is grasping at straws. Its influence within law enforcement circles is diminished. It has been banned from

## Other Voices

*A sampling of editorial views on criminal justice issues from the nation's newspapers.*

### NRA shoulders its arms

"The National Rifle Association, a crack shot when it comes to shooting down anti-gun legislation, has shouldered its arms — temporarily, at least — in the face of a police assault on the mythical 'all plastic' gun. The NRA's sudden about-face is just short of shocking in view of the association's hard-nosed opposition to any form of gun control. The group even fought legislation to ban the sale of machine guns and 'cop-killer' bullets that can pierce bulletproof vesta. That's how it was last year when the NRA brought out its heavy artillery to kill a Senate bill calling for a ban on 'non-detectable' plastic guns. Idaho Republican Sen. James McClure, a key NRA supporter, said the idea made about as much sense as barring Buck Rogers from strapping on an invisible six-shooter. Now, however, both McClure and the NRA confess to some modifications in their way of thinking. Call it seeing the light, if you will, but a more likely explanation is an awakening to political realities. McClure, who has introduced his own bill to ban the still-non-existent plastic guns, said that he now recognizes there is 'understandable concern' that non-metal guns could become available before effective detection equipment is developed. With police groups emerging as a potent lobbying force for sensible gun laws, the NRA knows the better part of valor can indeed be discretion. The showdown isn't over. Police are backing a bill to ban those pesky invisible plastic guns that is tougher than the one McClure has proposed. This time around, though, even if there's a legislative shoot-out, the NRA seems more inclined to shoot to wound than to kill."

— *The Arizona Republic*  
April 19, 1988

### Wanted: A drug czar to take command

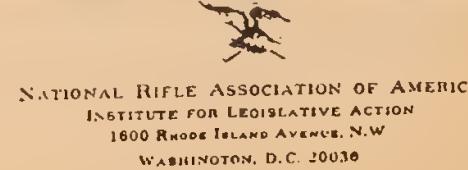
"No crisis in current American life, and few in American history, have posed as great a threat to our way of life as the drug crisis. The response to this crisis has been building by fits and starts, as communities, cities, states, the Federal Government and private organizations have attempted to combat the drug menace each in their own way. What is missing, clearly, is central coordination for these efforts on a nationwide scale. Aside from the obvious benefits of having a central headquarters for the most effective war on drugs, the creation of a cabinet post would signal the drug underworld here and abroad that this nation sees illegal drugs as a major threat to the health of Americans and the security of the nation. This nation wouldn't think of entering a shooting war with each unit operating independently in a series of autonomous tactics but no overall strategy. It makes just as much sense to bring this nation's drug-fighting efforts under a central command. This war is just as real."

— *The Staten Island (N.Y.) Advance*  
May 9, 1988

### Breaking the jail gridlock

"The Cuyahoga County Jail is overpopulated by more than 200 prisoners; suburban jails, unable to shift their criminal cargoes to county custody, are crowded beyond their capacities as well. But the county cannot expand its jail until it finds suitable office space to relocate welfare department offices that now occupy two buildings that must be torn down to build more cell space. Thus governmental gridlock. There may be a way out, county commissioners have determined, through a proposal the board officially noted in its meeting yesterday. A private development company has offered to put up an office building — constructed for county specifications — to provide the needed space for the Department of Human Services and the Child Support Enforcement Agency. Under the deal being considered, the county would lease the building for five years, with options for a five-year renewal and possible eventual purchase. The concept seems workable. But before they give final approval, commissioners must make certain that the project site they pick has enough available, unencumbered parking space to meet the volume of traffic the building will generate. Breaking the governmental jail gridlock by relocating an existing traffic gridlock solves one problem only by creating another."

— *The Cleveland Plain Dealer*  
April 5, 1988



NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
1600 RHODE ISLAND AVENUE, N.W.  
WASHINGTON, D.C. 20036

February 18, 1988

### LEGISLATIVE UPDATE TO SHAWNEE, OKLAHOMA

Dear NRA Member:

On behalf of our membership in Oklahoma, we want to take this opportunity to thank you for your hard work in helping stop Olick Boyd from being appointed as Police Chief of Shawnee. As some of you may recall, Boyd, Past President of the Fraternal Order of Police and paid lobbyist for Handgun Control, Inc., opposed the Volkmer-McClure bill in Congress and in 1985 opposed Oklahoma firearms preemption legislation to prevent the passage of Morton Grove type ordinances in Oklahoma. Boyd has actively continued his anti-gun rights disinformation campaign across America.

The record clearly proves that Boyd has misused his position and is a discredit to the rank and file law enforcement officers in Oklahoma and the United States. Boyd has done a great disservice to both law enforcement officers and the law-abiding sportsmen in this country by actively promoting a lobbying campaign for Handgun Control, Inc. loaded with distortions and lies.

We were fortunate to learn ahead of time about Olick Boyd's pending appointment and thanks to your hard work, he will not be the Police Chief of Shawnee. We wish the new Chief, Roy Dverton, best of luck as he starts his new job. Again, thanks to your quick action, Boyd's appointment as police chief was blunted.

Sincerely,  
  
Theodore A. Lettieri  
Director  
State and Local Affairs

of law enforcement on the armor-piercing ammunition issue, many law enforcement leaders became involved in the "gun-control" issue for the first time and were able to repulse the NRA and win a ban on the sale of this type of ammunition. Since then, although the NRA continues to claim that it supports law enforcement, its actions prove otherwise.

The NRA's attempt two years ago to gut the 1968 Gun Control Act via the McClure/Volkmer bill was thwarted in large measure because national law enforcement

several of the major police conventions. It has been reduced to utilizing the services of several fund-raising operations disguised as legitimate national law enforcement organizations in an attempt to

Continued on Page 14

Richard Boyd, a retired lieutenant of the Oklahoma City Police Department, served as national president of the Fraternal Order of Police from 1983 to 1987. He is currently a law enforcement adviser to Handgun Control Inc.

**O**n May 7, the U.S. Coast Guard seized the \$2.5-million yacht *Ark Royol* after the equivalent of one joint was found on board. A \$600,000 Cigarette racing boat was seized when Federal agents found traces of cocaine on a dollar bill. Next to fall was the luxury vessel *Monkey Business*, made famous last year as the party boat of choice for Gary Hart and model Donna Rice. Nor were boats the only craft to end up in Federal custody. A Boeing 727 owned by Colombia's Avianca Airlines was seized in Miami after cocaine was found aboard.

**T**he boats and planes seized by Federal authorities in recent weeks were confiscated as part of a new drug-war program known as *Operation Zero Tolerance*. Unlike other often quizzically named drug-enforcement operations of the recent past, *Operation Zero Tolerance* means exactly what its name says. Any amount of illegal drugs, no matter how small or what kind, that are found entering U.S. territory will evoke the full weight of Federal sanctions, including arrest, heavy fines and the seizure of the boat, airplane or car in question.

**O**ne of the principal architects of the *Zero Tolerance* program is William von Raab, the U.S. Commissioner of Customs, who sees the program as a needed deterrent to "smart-aleck stockbrokers, lawyers and real-estate

types who think it's funny to pay \$200 to bring cocaine into the United States." *Zero Tolerance* has provoked a fair amount of heat for von Raab, one of the nation's most strident drug warriors, and the criticism has come from a broad array of quarters. Charter boat captains in south Florida are indignant because they fear their livelihood will be jeopardized if a passenger leaves even the slightest residue of drugs behind after a cruise. Civil libertarians have voiced predictably strong opposition to the perceived legal philosophy behind *Zero Tolerance* — that you are guilty until proven innocent. Even the bedrock conservative commentator William F. Buckley has called the program nothing more than a "bellicose metaphor" with little if any practicality. And von Raab himself notes with some dismay that the U.S. State Department "was totally unsupportive" of the *Zero Tolerance* component in which the passports of drug-carrying travelers are seized.

**I**t's not the first time that von Raab has incurred the wrath of people in and out of government for his outspoken views on the conduct of the war on drugs. He has been a firm critic of foreign countries whose drug-enforcement activities he feels are not up to snuff, and statements along that line earned him the reprimand of Attorney General Edwin Meese in 1986 after von Raab

harshly criticized the Government of Mexico for its lack of drug-war progress. To this day, relations between the Customs Service and the State Department are "struck with tension," as von Raab sees it.

**A**s the "lead drug-interdiction agency," the Customs Service reported 18,078 drug seizures in 1987, involving contraband valued at more than \$8 billion. But drug interdiction is only one arrow in the Customs Service's quiver. The agency also enforces hundreds of laws concerning contraband, not least of which are illegal arms trafficking, illegal exports of high technology secrets to the Soviet bloc, and trafficking in counterfeit consumer goods.

**T**he short-term future for von Raab, a graduate of Yale and the University of Virginia Law School, is cloudy as the nation prepares for the 1988 Presidential election. As with other Presidential appointees, von Raab may find himself replaced as a new Administration takes over. But Washington may not have heard the last of the man who has been Customs Commissioner since 1981. It is being reported in some circles that von Raab is under consideration as a Republican opponent to New York Senator Daniel Patrick Moynihan in the November election.

**"There are a lot of smart-aleck stockbrokers, lawyers and real-estate types who think it's funny to bring cocaine into the United States. Well, it's not going to be funny anymore."**

## William von Raab

**Commissioner of the U.S. Customs Service**

Law Enforcement News interview  
by Marie Simonetti Rosen

**LAW ENFORCEMENT NEWS:** Your agency recently implemented a program known as *Operation Zero Tolerance*. What is the essence of this new front in the drug war?

**VON RAAB:** In the past, at the borders we have been faced with many situations in which people have smuggled what were regarded locally as small amounts of narcotics. This could range from a gram of heroin in Seattle to 50 pounds of marijuana in Texas, or less. Discussions at the White House have led the Administration to the conclusion that unless you punish all the people in the drug chain, you don't have an effective program. You're not giving the right signal. So instructions have gone from the Customs Service and the Justice Department that all violations of our smuggling laws involving narcotics will be punished criminally. Previously these people might be fined \$100 or \$50 and they walked. Now, instead of just writing out a check for a hundred bucks — or, as many have done, just peeling off a couple hundred-dollar bills — they're now arrested, handcuffed, finger-

printed, photographed and they acquire criminal records.

**LEN:** And you seize their passports?

**VON RAAB:** If they're carrying passports — and as you know, you don't need a passport at the Mexican border or at the Canadian border — but if they're carrying one, we can seize it for evidence, which is effectively removing the passport from the individual for as long as the case is being processed in the system.

### Smart-aleck stockbrokers

**LEN:** Is this approach intended mainly as a deterrent, or do you really expect to catch a large number of smugglers this way?

**VON RAAB:** Well, we're already catching smugglers. The problem is how do you process them once they're caught. So it is meant to punish the people who are smuggling in that respect. But obviously the general public has to see it as a deterrent, because there are a lot of smart-aleck stockbrokers, lawyers and real-estate types who think it's funny to pay \$200 to bring cocaine

into the United States. Well, it's not going to be funny anymore, because they're going to find themselves with ink all over their hands from being fingerprinted.

**LEN:** Since passports are issued by the State Department, does Customs have the authority to seize them?

**VON RAAB:** Yes. We can seize any item that relates to or is in effect evidence of having entered the United States, and the passport is essential to the case as evidence that somebody entered the United States.

**LEN:** Have you encountered any flak for initiating this program, whether from the State Department or other governmental agencies?

**VON RAAB:** The State Department was totally unsupportive of the passport program from the very first day, which was two years before, because they don't think of the drug issue as being part of their business. They think only of their parochial, departmental interest. In this case, they see the passport as strictly a travel document.

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# **"If we could develop a way of being certain of the nature of the flight, and that there were no innocent parties aboard, then we should be given the authority to fire on them."**

Continued from Page 9

LEN: Has the nature of drug trafficking changed in recent years?

VON RAAB: The nature of drug trafficking has changed enormously over the past five years. For one, the production levels in Peru, Bolivia and Colombia, particularly of cocaine, are many, many times greater than before, so the volume that we face is much greater. The tactics of the smugglers are different, because we have improved our defenses. Where we used to see a lot of airplanes flying into Florida, for example, we don't see that much anymore, because we have much better air defenses. So the pilots are dropping their loads in the Bahamas, and then power boats bring them in. But even that has modified slightly as we work more closely with the Bahamians. So what we're seeing now around the Southeast and Gulf Coast is much more use of commercial cargo to smuggle drugs.

That's the nature of Southeast smuggling. In addition to that, the Mexican border has become a real problem. Whereas five years ago people didn't think of the Mexican border as a drug-smuggling area — it was going on, but it wasn't that serious, with maybe 30 percent of the heroin and 10 percent of the marijuana and 10 percent of the cocaine — it's now 37 percent of the cocaine. There's more cocaine coming through Mexico than anywhere else. So Mexico has become probably one of the two or three biggest problems for the United States in terms of drug trafficking.

LEN: Do you think there's enough effort being put into controlling Oriental drug trafficking?

VON RAAB: Yes, but the drugs coming from the Orient are largely some Thai sticks and hashish, which we've seen in a lot of seizures on the Pacific Coast. We're working very hard on that and, I think, being somewhat successful. Opium and heroin trafficking is very difficult to interdict, because the nature of the trafficking organizations and the fact that they don't ship that much, so it's harder to find. We're doing the best we can, but the real effort with opium and heroin smuggling is really DEA's. They're doing a very good job, although I am told that they're running into some serious problems with Chinese gangs. Obviously, they're very difficult to penetrate because they speak unusual dialects of the Chinese language. As you well know, it's very important to penetrate these organizations with undercover agents, but it's extremely difficult.

LEN: Do you believe that enforcement efforts on the supply side of the drug war are working?

VON RAAB: They are definitely working. There are two bases from which we can determine if something is working. One, we're seizing more. Five years ago we seized 4,000 pounds of cocaine; last year we seized 90,000 pounds. But more importantly is the techniques that the smugglers are using. They're using more and more risky techniques to get their drugs in. They're still getting them in in many cases, but it used to be a lot easier. They didn't have to take the kinds of risks they take today. So our goal is to continue to raise that risk level to the point where we're getting more and more seizures and fewer and fewer people become willing to go into that business or to stay in the business because of the risk of getting caught.

LEN: You have to stay one step ahead of the smugglers?

VON RAAB: Well, there are periods where we were about three steps behind them. Right now I would say we're about even with them.

## **Aerial warfare & the fleeing felon rule**

LEN: You were quoted as saying that you support the idea of allowing the Customs Service to shoot down suspected drug-smuggling airplanes. Why do you favor this controversial plan?

VON RAAB: I favor some effective deterrents to deal with smuggler aircraft coming into the United States. We have a fairly effective deterrent in the Southeast, where we've got good air-cover radar, so we can chase the planes and often they'll land in the Bahamas, where they can be arrested. In other parts of the country — the Gulf, for example, or the Mexican border — we see the planes come in, and in some cases we'll actually see them drop drugs, and then they fly back. So there's no deterrent. The question is, what do you do about that? My feeling is that if we could develop a way of being certain of the nature of the flight, and that there were no innocent parties aboard the flight, then we should be given the authority to fire on them. There is a split over whether this is constitutional or not. There was a case called *Garner v. Tennessee*, in which the Supreme Court found that the 1,000-year-old practice of shooting a fleeing felon was no longer constitutional. So the issue here is whether a smuggler is a fleeing felon. The exception to *Garner v. Tennessee* is if a violent crime has been committed or is about to be committed. The people who argue in favor of the constitutionality of this take the position that trafficking in cocaine is a violent crime,

ing, because they really started in the same place. In fact, I think the Coast Guard was a spinoff of the Customs Service. I've been around through three commandants of the Coast Guard. The first two didn't really want any part of drug enforcement. I don't know why that was. So we operated pretty much alone, and the Coast Guard sort of piddled around on the high seas and occasionally took down a freighter. The new commandant, Admiral Yost, on the other hand, is very interested in drug enforcement, and that's a good thing. So we're working much more closely now with the Coast Guard. They're basically a maritime operation, and we're the coastal operation. In the air, we have a joint command established, although we have many more aircraft and lot more experience than they do. They feel, though, that they can develop this experience.

LEN: Can the Coast Guard really be of that much help when it suffers a hard cut in its operating budget?

VON RAAB: I don't really understand that whole issue. I get conflicting signals on the significance of the \$60-million cut. I am told by the Commandant that the cuts are not being taken from their drug efforts; they'll be taken from other parts of the Coast Guard.

## **One if by air, four if by sea**

LEN: In 1986, it was reported by the Philadelphia Inquirer that 80 percent of drugs are coming in by air, yet the Government is spending four times as much money on maritime interdiction as it is on airborne interdiction. Has that picture changed since then?

VON RAAB: Well, whoever is saying 80 percent is coming in by air, what they mean is 80 percent of the drugs

## **"The tactics of the smugglers are different, because we have improved our defenses."**

because ultimately it will lead to the death of someone. That's the debate. But right now the Administration has decided against granting that authority because of the lack of assurance that there are no innocent parties involved.

LEN: Do you favor the involvement of the military in drug enforcement?

VON RAAB: Yeah. They're used a lot now, and they're very, very helpful. I was completely in favor of the so-called relaxation of the Posse Comitatus Act, back in '81 or '82.

LEN: In recent years the Coast Guard has taken on a greater role in the interdiction effort. What is the relationship like between the Coast Guard and Customs?

VON RAAB: Well, the relationship is one of long stand-

leave Colombia by air — and that means commercial airplanes and private airplanes, with the private airplanes taking off from the Guajira Peninsula and commercial aircraft taking off from Bogota. It's not a very useful percentage. What you really want to know is how the drugs attempt to enter the United States, and I would say that the amount of cocaine coming into the United States directly by air is way down. It's very high along the Mexican border, but it's down around the Southeast. Around the Southeast, I would say in terms of volume that it's around 10 percent coming in by air. Across the Mexican border, you're probably talking about 50 percent by air. Then coming in by sea, using power boats and such, I would estimate that you're talking about 40 or so percent coming by power boats, and the rest of it coming in with commercial cargo. That's the big thing right now, because they can attempt to hide large cargoes, maybe eight or nine thousand pounds of cocaine, in another load.



In somewhat more halcyon days, the U.S. Customs border station at Brownsville, Tex., processed a modest backlog of vehicular traffic. Delays tend to be longer in recent months as Operation Zero Tolerance has led to more exacting searches of vehicles and cargoes.

U.S. Customs photo

# Interview: Customs chief William von Raab

LEN: At what point does the jurisdiction of Customs end and that of the DEA begin, or vice versa?

VON RAAB: The Customs Service is responsible for the physical interdiction of contraband entering the United States, which basically means that we physically control the borders. Once it is ascertained that a shipment contains drugs, then we will call DEA to begin to work on an investigation. The case is only turned over to DEA after there is the physical presence of drugs. The jurisdiction between Customs and DEA is less important today than it was five years ago, because there's a lot of cross-designation that has taken place, and a lot of joint task forces. In some cases Customs will handle the entire case — for example, on the Southwest border, because we have a lot of agents down there and DEA doesn't have very many. But technically when it's a drug case they become the primary investigative agency.

LEN: Could it ever be the reverse, where the DEA finds out about an incoming shipment and then lets you know so that you can take over from there?

VON RAAB: Oh sure. They do that very often.

LEN: How are relations between your agency and the Bureau of Alcohol, Tobacco and Firearms?

VON RAAB: Well, we don't work that many cases with them, because we just don't happen to overlap. We're responsible for the export laws related to arms, and not ATF. So we would only get involved with ATF if there were a domestic arms case or explosives case that was also related to an export case. We find ourselves working much more with the FBI on arms cases than we do with the ATF, because the FBI is responsible for terrorism.

## 'Dysfunctional' turf battles

LEN: Do relations between Customs and other agencies lead at times to out-and-out turf battles?

VON RAAB: There are always turf disagreements, and the public is always intrigued by turf battles. I mean, I've been intrigued by this Ward-Bruno thing [in New York City], and sometimes these things can become unseemly. I would say there are no dysfunctional turf battles right now in Washington. The biggest problem of which I'm aware is the DEA-FBI situation, but I'm not involved in it so I can't characterize it. But I am aware that a lot of chafing is going on there right now. And with Customs and the Coast Guard, although we've settled most of the issues between us, there's still some settling down that has to take place in terms of who does what, when and how. So I would say the biggest issue in Washington remains the FBI-DEA, along with Customs-Coast Guard. But I don't see the Customs-Coast Guard thing as being dysfunctional.

LEN: What about getting credit for jobs well done? In many recent examples of big cases, there has been some Customs involvement yet the agency is scarcely mentioned in news reports, if at all.

VON RAAB: There's no question that the men and women who work for a particular agency feel that the publicity is very important, because it's kind of their pat on the back. Federal employees don't get that much money, and part of their satisfaction comes from having the public acknowledge them. So it's very important to get that.

LEN: Do you feel that Customs is the lead agency when it comes to drug enforcement?

VON RAAB: Well, if you'll permit me a bit of semantics, Customs is the lead agency for drug interdiction. DEA is the lead agency for drug investigations, and that's the accepted split.

LEN: As you see it, how closely linked are narcotics trafficking and terrorism on the international level?

VON RAAB: They are very, very closely related. They need each other. Terrorists need the hard cash that comes out of drug trafficking, and drug traffickers need the protection and disruption that the terrorists cause,

to keep the country from dealing with them effectively. So I think it's quite clear that they're very useful to each other.

LEN: How much does international politics and diplomacy figure in drug enforcement, particularly when you arrest somebody from a country that the United States is on friendly terms with?

VON RAAB: It doesn't affect things. We don't pay any attention to international politics, which is why the State Department is sometimes frustrated with us.

LEN: In general terms, how would you characterize your agency's relationship with the State Department?

VON RAAB: Struck with tension.

## Chastised into silence?

LEN: In 1986, for example, you took some heat, including reproach from the Attorney General, for making claims that officials of the Mexican Government were involved to one extent or another in drug trafficking. Since then you've been a little more quiet on such foreign policy issues. Were you chastised into silence?

VON RAAB: It's not really true that I've been quieter. If you would've seen my testimony in front of the Senate Foreign Relations Committee, it was exactly the same as before. It's just that this time people are accustomed to the fact that Mexico is part of this, whereas before they may have been surprised by it. As you know, Mexico was decertified by the Senate.

LEN: Considering the handful of countries that were recently identified by the Government as not doing enough to help the drug war — specifically, Iraq, Syria,

Afghanistan and Panama — are there other countries that you believe should be on the list?

VON RAAB: Well, Haiti should probably be on the list. Haiti has been a kind of sleeper in the drug area. I don't know if you've been watching their Government going up and down and sideways, and all of a sudden drugs are starting to come through. So to some degree it's a sleeper.

LEN: It's been said that gun-running to the Irish Republican Army is still a major problem, and that you've recently lost a number of informants in this area. Why might that be?

VON RAAB: I've not heard that before. I know that the IRA is still trying to run guns, but they're getting most of their guns from Libya. We had a really good case against them some time ago, but if you really look into the activities of the IRA you find that they're really being supplied by Khadafy.

LEN: The Customs Service has responsibilities that go well beyond enforcing gun-running and drug-trafficking laws. Other than those two commodities, what items are the most commonly smuggled?

VON RAAB: Well, jewelry is always popular, including counterfeit watches and such. Counterfeit goods are popular, textile items of all types. Those are about the biggest things we find.

LEN: Given the sweeping scope of your agency's responsibilities, how do you apportion your resources?

VON RAAB: Well, the supplemental amounts you get from Congress are limited, so the bulk of those discre-

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## Military nears drug-war action

Over the opposition of the Pentagon, military involvement in the war on drugs all but became reality on May 13 when the Senate overwhelmingly passed an amendment to a \$300-billion defense bill that would give the armed services sweeping responsibility for halting the flow of illegal drugs past the nation's borders.

The amendment, approved by a vote of 86-to-3, is currently in the hands of a conference committee that is seeking to resolve differences between Senate and House versions. The Senate amendment would allow the President and the Secretary of Defense to increase military surveillance at the borders. The National Guard would also be used in state efforts to patrol the borders and drug transit points.

For the Pentagon and many Congressmen, the sticking point in the amendment is its authorization of military personnel to make arrests. The concept is said to violate earlier laws and traditions that bar members of the armed forces from acting as law enforcement officers.

However, the amendment would allow the Coast Guard to deputize specially trained and designated members of the armed forces to make or assist in civilian arrests.

A House version of the amendment uses even stronger language in authorizing military involvement against drugs. It orders the President to deploy within 30 days of enactment enough military personnel and equipment to halt the penetration of U.S. borders by drug-laden boats and aircraft. The military is to be used to "locate, pursue and seize" vessels and planes carrying drugs and arrest their crews.

Under the House amendment, the military is given 45 days from date of deployment to "substantially halt" the drug trade across U.S. borders.

Two years ago, when Congress was working against the legislative clock to create the anti-drug bill that would become the Anti-Drug Act of 1986, proposals to draw the military into the drug war were shouted down. This year, however, with another Congressional election approaching and with the drug

problem continuing to defy efforts to contain it, those who opposed the use of military resources were forced to give in, albeit reluctantly in some cases.

"I think we all know the drug epidemic in this country is far past the stage where interdiction can stop it," said Senator Sam Nunn, the Georgia Democrat who heads the Armed Services Committee.

Senator Robert Dole (R-Kan.) said that ordering the military to help "shows that we're serious about drugs" but said he was unsure as to how great an impact it will have.

Pentagon officials have speculated that Air Force Gen. Robert T. Herres, the vice chairman of the Joint Chiefs of Staff, will probably be put in charge of the drug operation. Most of the responsibility for carrying out the anti-drug directive is likely to be the Air Force and Navy.

Anti-drug operations may put a \$2-billion dent in the military budget, Pentagon officials have told Congress. If that amount is not appropriated separately, the officials warned, American military operations would have to be reduced. Any cuts, they said, would probably come from operations and maintenance rather than from weapons procurement, personnel or research and development.

Pentagon officials have expressed doubts, however, as to the ability of the armed forces to "substantially halt" the drug trade, as the House amendment directs.

Noted Dan Howard, chief spokesman for the Defense Department: "If 'substantially halt' means we close the borders and anyone who flies across it gets shot down, we certainly have military resources to do that, but I don't think that is an answer that anyone would advocate. The only way that an F-16 is really prepared to deal with a Cessna flying across our border is to shoot it down."

Officials also pointed to the possible consequences of any military success in curbing the flow of drugs, including higher street prices for narcotics and an increase in crimes committed by persons seeking money to buy drugs.

**Battlin' badges:**

# NYC police, fire feud over underwater rescue

A feud between New York City's police and fire departments over emergency response was reopened early this month when Fire Department scuba divers were prevented by police from joining in the search for a passenger trapped underwater following a helicopter crash on May 1.

The feud reached the highest levels of both agencies two days later when Police Commissioner Benjamin Ward and Fire Commissioner Joseph Bruno exchanged a flurry of angry words at a City Hall news conference called to announce an agreement between the departments on water-rescue responsibilities.

Mayor Ed Koch was forced to intervene in the shouting match, twice grabbing Ward's arm to prevent him from storming out of the news conference.

The latest escalation of the two-year emergency-response feud, which has included a number of fist fights between members of the city's uniformed services, stemmed from the death of Takashi Oyama, a 29-year-old Japanese tourist, who died at Bellevue Hospital after being strapped to a seat in the downed sightseeing helicopter for over an hour. Four other passengers were injured when the craft plunged into the East River's 40-degree waters just minutes from its base.

Police divers searched the river for 90 minutes before locating the wreckage. Although the Fire Department had eight qualified divers at the scene, they were not used, said Police Commissioner Benjamin Ward, because they were unnecessary.

But fire officials took a different view of the situation.

"There were only two police divers here for 20 minutes," Fire Department Lieut. Patrick Brown of Rescue Company One told The New York Times. "They had two guys in the water. That's like searching for a needle in a haystack."

Officials had hoped that an arrangement laid out by Mayor Koch last November, whereby police would continue to have command status at most disasters, would eliminate the confrontations that erupted last year when the two agencies had to work together at emergency sites.

In the wake of the most recent incident, Koch has now ordered that the Police Department train scuba divers from the Fire Department to work jointly with them.

Although Koch has rarely criticized his Police Commissioner, Ward's stance on his department's actions at the emergency site this month earned him a harsh letter from the Mayor.

"It defies common sense," wrote Koch, "to have Fire Department scuba personnel standing around, especially when there is an immediate need to search underwater."

Some observers have speculated that the bad blood between the two agencies stems in part from a fear of staffing cuts and a break in pay parity between fire and police personnel. Police Department pride is also said to have been wounded by the Fire Department's emergency-rescue initiatives.

The job security of firefighters was perceived to be threatened by a long-term decline in the number of fires in New York City. From a

high of 153,000 in 1976, fires have declined to 89,088 during the last fiscal year. It was the declining volume of firefighting work that prompted the proposal last year that fire personnel be given a greater role in handling building collapses, gas leaks, car accidents, bombs and water rescues.

After weeks of deliberation, lobbying and, occasionally, fistcuffs on both sides, Koch decided to maintain the current approach

and leave the police in overall charge of emergencies.

The police and fire underwater rescue teams use different methods and equipment, and those differences were said by police officials to be partly responsible for their decision to bar Fire Department divers from the rescue operation after the helicopter crash.

The police scuba squad has 37 full-time divers who specialize in deep-water rescues, usually div-

ing without being tethered to colleagues on the surface. Divers are equipped with wireless communications devices.

The Fire Department's diving squad, conversely, consists of three teams of 25 members each. The divers are usually linked to backup teams on the surface by a rope tether and a communications line. Fire officials insist that the use of a tether is particularly advantageous in water with poor visibility.

## DC area officials convene 'drug summit' to search for new answers to capital woes

Police and elected officials from the Washington, D.C., area met last month to vent their frustrations over the war on drugs and discuss ways of halting the multimillion-dollar drug trade plaguing the nation's capital.

The majority of strategies drawn up by the participants — among whom were 33 elected officials, 7 police chiefs and nearly 200 criminal justice, education and drug rehabilitation experts — focused on juveniles and the coordination of regional police efforts.

Among the proposals at the "drug summit," as it has been referred to locally, were the enactment of local laws making selling drugs within 1,000 feet of a school a felony punishable by a minimum jail sentence of three years with no parole.

One strategy aimed at preventing suburban youths from getting involved with drugs entailed temporarily revoking the drivers' licenses of all drug offenders. Participants also considered dramatic increases in financial penalties against users who are often not jailed because of prison overcrowding.

Arlington Police Lieut. John Karinshack noted that among the advantages to holding a drug summit was "that it has focused a lot of public attention on the problem," if nothing else.

The summit was hosted by the Washington area Council of Governments (COG). The council's committees on public safety and on the prevention, education and treatment of drug

abuse will be given the task of examining and working with the proposals presented at the drug summit.

"Those two committees will take all those proposals and try to study them and see what they can get out of them," Karinshack told LEN. "They then have to report back to the main COG in September and that's when you are going to see whatever the final recommendations are."

The statistics on juvenile drug arrests and killings in Washington have grown in recent years from disconcerting to alarming — from 483 teenage drug busts in 1983 to 1,894 in 1987. So far this year, there have been 105 murders in the city, many of them drug-related.

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### Nettlesome numbers:

## Child abuse rises by 2% in 1987

Continued from Page 1

they want so they are not as inclined to report" incidents.

According to the report, the percentage of those who claim they did something to prevent child abuse has not changed in the last two years. Better educated, more affluent adults are more likely to report suspected abuse, the report said.

Whether or not child abuse has actually increased, Daro said, is a difficult call to make. "Twenty years ago — even ten years ago — we did not have reporting mechanisms in all 50 states. It is a relatively new phenomenon."

Last year's statistics represent a marked change from 1986, when reports increased by 8 percent over 1985. "We are seeing a slow down, if last year is any indication," said Daro. "We had been seeing increases of 12, 13, 14 percent."

The study found that alcohol and drug abuse, rising teenage pregnancies and the proliferation of children living in poverty have all served to keep child abuse figures high. Increased publicity about the problem is also said to have played a part in the higher statistics by encouraging greater reporting of abuses.

On a state-by-state basis, Il-

linois showed the greatest percentage increase in reported cases last year — 30 percent — based on a total of 91,723 cases, of which 39,006 were substantiated. Illinois topped 10 other states with double-digit increases in reported cases, including Ohio, Kansas, Georgia and Pennsylvania.

David Schneidman, a spokesman for the Illinois Department of Children and Family Services (DCFS), said the state expects to log 95,000 reports in 1988.

Part of the reason for Illinois's dramatic increase, officials said, may be due to tougher laws requiring professionals in the affected fields to report suspected abuse. "Illinois has come forward to say, 'We need more services,'" said Daro.

In recent years, Illinois has also taken steps to improve policies and practices regarding fatalities due to child abuse. Fifty-five deaths from abuse were substantiated, down from 79 the year before.

In 1987, NCPCA projected a nationwide total 1,132 fatalities, compared to 1,181 in 1986. According to available statistics, New York had the highest number of children die of abuse

last year, 166, down from 181 in 1986. In Louisiana, the 52 children who died of abuse or neglect last year represented a decrease of more than half the number who died in 1986, when 110 succumbed to abuse.

"There has been about a 4- to 5-percent decline from 1986 to 1987," said Daro, "but if you translate that into how many children die each day, you are still talking about three a day."

The NCPCA study said there is a lack of reliable and valid information on the mortality rate among children reported for abuse and neglect. In an effort to overcome this, the report noted, states such as New York have proposed that unsubstantiated reports of child abuse remain in confidential files to aid any subsequent investigations of additional reports filed on either the perpetrator or the victim.

Thirty-two states have established interdisciplinary review committees to examine events leading up to the child's death. In states such as Colorado, Alaska, South Carolina and Oregon, the committees are statewide bodies, whereas in New York, Florida and California they are formed along district or city lines.

## Tracking potential for liability, bias risks in psychological screening

Continued from Page 7  
no meaning whatsoever in terms of job performance."

"It would then be discriminatory, he said, to infer that the black candidate has less of a chance of doing well on the job.

San Diego's Dr. Mantell recalled testing a group of Vietnamese candidates whose scores on the MMPI suggested clinical levels of depression. "We could say we are not taking these people because they have high levels of depression, but the fact was that as a population they all had that and it was normal for them."

The candidates were accepted, Mantell said, and for the most part they did well in law enforcement. "They may well have been depressed but in their population that was the norm. And they had reason to be depressed."

But Ostrov speculated that if the situation were turned around and the group of minority applicants tested proved to be high-risk candidates, then it becomes "a much more difficult problem."

"That's when you have to do the research," said Ostrov. "The standard is not just that there is a difference, but that there is an unreasonable and unwarranted difference."

If it were a group of Hispanics who failed the psychological, Dr. Axelberd said, he would go over the literature case by case to try and cross-validate the findings and see if it was just one test out of a battery of tests and an interview that turned up a problem or if there were other indications.

"If 20 show depressive traits on one test but don't show any in the interview notes or the other tests, I would probably tend to disregard that test that showed high depressive traits," said Axelberd.

### The 'Four-Fifths' Rule

Discrimination can be proven in court by a plaintiff if the psychologist has not done the research necessary to prove why the so-called "four-fifths" rule was violated — one of the only challenges that will get a court's attention, according to Axelberd. The rule states that if 100 percent of the majority passes, 80 percent of the minority candidates must pass in order for a test not to be considered discriminatory.

"I feel it is substandard not to

do research," said Ostrov. "You cannot win without research."

Ostrov and Kay attempt to accommodate intergroup differences as well. Blacks are not compared to whites, said Ostrov; they are compared to other black candidates. The same holds true for comparing women to men, he said. "We have empirical evidence that they have different averages."

Kay said the Los Angeles personnel department compensates for the higher scores of blacks and Hispanics on the MMPI. However, the department has not seen any difference between the scores for men and women.

In some cases, a department may be forced to hire someone who won an appeal even though the individual may be unfit for duty by nearly everyone's definition of the term.

### No Tracking of Appeals

Of the departments surveyed, there is no longitudinal tracking done of candidates who have been allowed to join the department based on an appeal. Such a procedure would serve to "stigmatize" the recruit, noted Ostrov. "In a sense it would be a self-fulfilling prophecy."

Dr. Kay said that while tracking of such candidates would be helpful, the city simply does not have the resources.

In case of Los Angeles, however, winning an appeal does not mean the applicant gets hired automatically by the Police Department. It just makes that candidate eligible for going through the department's hiring process once again.

"Practically speaking," said Dr. Inwald, "I think people do get hired" who are unfit. "The department very often has to hire and put that person in a situation where he would be unlikely to run into any problems."

When push comes to shove, though, much depends on the "chutzpah" of the police chief, said Axelberd. "It comes down to the police chief or director of the department saying, 'Look, regardless of this court's decision, I am the chief of police and looking at this man's application, I cannot take responsibility for him.'"

# Criminal Justice Library

We read and review:

## Practicality, not ideology

**Crimes of Justice: Improving the Police, the Courts, the Prisons.**

By David C. Anderon.  
New York: Times Books, 1988.  
330 pp., \$17.95.

By Thomas A. Repetto  
President  
Citizens Crime Commission  
of New York City

David Anderson is eminently qualified to write on crime. He is a member of the editorial board of The New York Times, where he specializes in criminal justice issues. He was previously a reporter and editorial writer for the Wall Street Journal, and will be remembered by readers of Law Enforcement News as the publisher and editor of those fine magazines, Police and Corrections.

Nonetheless, this book will displease many readers because it does not fit their ideological predilections. As Walter B. Miller has pointed out, ideology is the permanent hidden agenda of American criminal justice. In a 1973 article, Miller set forth the basic assumptions and crusading positions of both the left and the right. For example, the right assumes that the individual is responsible for his own criminal behavior. The left places blame on the social order. The right's crusading position is to reverse the erosion of respect for authority. The left strives to correct the unjust distribution of power, and so it goes.

Mr. Anderson does not fit neatly into ideological boxes. Indeed, he specifically dismisses both the liberal view that all that is needed to end crime is to radically redesign the economy and the conservative notion that we can defeat criminals if we build enough prisons. Instead, he offers pragmatic solutions to the crime problem based upon his considerable background in the field.

Mr. Anderson begins his work by interspersing crime statistics with accounts of real-life crime in his own Brooklyn neighborhood, where, unfortunately, he and his

family have been victimized several times over the years. He points out that such offenses as burglaries, auto thefts and drug peddling are routinely assigned to the prosecutors' garbage heap and plea-bargained into insignificance. Only the threat of personal violence validates crime for serious attention. But he points out that these so-called "non-violent" crimes assault a person's sense of security and define a neighborhood's atmosphere. He then raises the question: "On what authority do judges and prosecutors dismiss that kind of violence as garbage?"

This leads Mr. Anderson to one of his more fundamental recommendations, which is that police departments should function as *de facto* community-development organizations. He argues that if police adopted a type of urban Peace Corps mission, they would be better able to deal with low-level quality of life offenses that cause neighborhood deterioration and which, incidentally, provide a receptive environment for more violent offenses. Mr. Anderson would have the police close down

abandoned buildings where drug addicts congregate, and mobilize the community against bars and hotels catering to local prostitutes.

The author is not naive about the resistance his proposal will meet. He points out that the police subculture determines the way in which much police business is handled. As James Q. Wilson has observed, most officers are told to keep their mouths shut, their noses clean, and not stick their necks out. The most important consequence of this state of affairs is that with respect to routine matters, the normal tendency of the police is to under-enforce the law. Thus, the author suggests the need to recruit idealistic college graduates for short tours of duty in a police version of the ROTC.

Mr. Anderson then examines the nexus between crime and punishment. In this respect, his description of American corrections is a first-rate report on the state of the art. He points out that pleas for less reliance on imprisonment will continue to fall on deaf

Continued on Page 14

## Police Ethics:

### Hard Choices in Law Enforcement

Edited by

William C. Heffernan  
and  
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# Jobs

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Annual salary for basic police officer positions is \$30,059 and is automatically increased to \$39,818. Candidates with prior law enforcement experience and/or acceptable college may be eligible to enter the training academy at a salary level higher than \$30,059.

To apply, contact the Recruitment Unit, Employee Opportunity and Development Division, 150 N. Los Angeles Street, Los Angeles, CA 90012. Telephone:

## Deputy Sheriffs

### Monroe County, Fla.

The Monroe County Sheriff's Office is accepting applications for the position of Deputy Sheriff. Responsibilities are to provide law enforcement and related services to Monroe County. Previous certified law enforcement training required. Applicants must be 19 years of age and have a high school diploma. Applicant must be able to successfully pass psychological, polygraph, drug urinalysis test and an extensive background investigation. Starting salary \$20,055/year. Excellent benefits. For further information contact: Monroe County Sheriff's Office, Human Resources, P.O. Box 1269, Key West FL 33040. (305) 292-7044. Equal Opportunity Employer.

(213) 485-LAPD. You may reach an LAPD recruiter on one of the following toll-free numbers: (800) 252-7790 (California residents); (800) 421-9555 (out-of-state residents). AA/EOE.

**Police Chief.** The city of Norman, Okla., population 80,000, is seeking an experienced police administrator to work under a council-manager form of government. The police chief reports to the Director of Public Safety.

Applicants must have a four-year college degree in law enforcement, public administration or a related field. A master's degree. Applicants should have a record of progressively responsible ad-

ministrative experience in law enforcement, including three to five years experience at a responsible supervisory level in an organization of comparable size. Strong management and communication skills are required. The successful candidate will manage a department of 137 personnel with an annual budget of \$5 million. Annual salary range is \$34,900 to \$46,780, plus benefits.

To apply, send resume, salary history and letter of application to: Personnel Department, City of Norman, P.O. Box 370, Norman, OK 73070. Deadline for applications is July 31, 1988. AA/EOE.

**Latent Fingerprint Examiner II.** The San Jose Police Department seeks individuals with any combination of education and experience equivalent to three years of performing technical identification work, including comparison and identification of latent print material and classification of inked fingerprints. Salary \$2,328 to \$2,829 per month.

To apply, contact: City of San Jose Personnel Department, 801 N. First Street, Room 207, San Jose, CA 95110. (408) 277-4204.

**Police Officers.** New London, Conn., has several entry-level openings on its 99-member police department. Applicants must have completed one year of college, be of excellent character and in good physical and mental health.

To apply, send resume to: Personnel Officer, City of New London, 181 Captain's Walk, New London, CT 06320.

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## Interview: Customs' William von Raab

Continued from Page 11

tionary resources went into drug enforcement for quite a while. Then we started putting some of that into what we call commercial or trade fraud. We also have our program to prevent the loss of high technology to the Soviet bloc, which could be a whole interview in itself.

**LEN:** In recent months FBI officials have begun to voice concern about their agents' pay scales, and have even suggested that inadequate salaries might make FBI agents more vulnerable to compromise by foreign powers. Are you experiencing similar problems?

**VON RAAB:** No one's told me that. Customs has been very successful in hiring agents, and we even have people from other agencies coming here. I'm not suggesting that the wages they're paid are fair, but I have not been told that we are losing agents because of wage problems. We do have wage problems in other areas where we are losing people, with computer specialists and such. But as far as agents are concerned, I believe the nature of Customs work and the way the organization is managed makes it very appealing to people.

## From the library: 'Crimes of Justice'

mit a judge to sentence a convict to a standard felony term — say, three years for burglary — and suspend all but six months on the condition that the offender complete successfully a stiff regimen that might include mornings of hard outdoor labor under the supervision of drill instructors, followed by afternoons of education, counseling and job training.

The foregoing are but a few of Mr. Anderson's recommendations. This is a stimulating book, chock full of worthwhile new ideas in a field where, for too long, we have relied on the unrealistic extremes of "lock up every criminal" or, conversely, "completely remake society." Each view comforts the true believer but does little to solve the crime problem. If you wish to consider some realistic proposals to combat crime, this is must reading.

### Forum:

## NRA & leadership

Continued from Page 8

shore up support among the rank and file. Law enforcement has stepped up its efforts at the state level to fight the NRA's attempts to weaken or eliminate state and local laws in Colorado, Ohio, Minnesota, Wisconsin and Pennsylvania. In Maryland, law enforcement led the way in passing historic legislation to ban Saturday Night Specials, over the objections of the NRA.

It is time for the NRA's membership to ask some very im-

portant questions of their leaders. Do they want a national policy that allows no room for compromise? Do they want their leaders to ignore the counsel of law enforcement professionals? Do they want their leaders to conspire against persons or groups simply because they have a different point of view? Do they want to continue damaging what is left of the relationship with the police? I suspect the answer is no. But it is up to NRA members to give headquarters personnel their marching orders.

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# Law Enforcement News

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## Sailing the high seize

The full weight of  
the drug-war is  
being felt by  
luxury boats as  
Operation

Zero Tolerance  
kicks into gear.

William von Raab,  
head of the  
Customs Service,  
explains in a LEN  
interview, on 9.



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